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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,439	04/01/2004	Panu K. Zoller	53766US010	2823
32692	7590	09/16/2005	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			AHMAD, NASSER	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/817,439

Applicant(s)

ZOLLER, PANU K.

Examiner

Nasser Ahmad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-10, 15, 20-24, 29, 31-35, 38, 40-41 and 43-50 is/are rejected.
- 7) ☐ Claim(s) 3, 11-14, 16-19, 25-28, 30, 36, 37, 39, 42 and 51-54 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Certificate of Correction***

1. The application, as filed, does not include the incorporation of the certificate of correction. Pursuant to 37 C.F.R 1.173 (a)(1) applicant is required to include a copy of the certificate of correction issued in the Patent for which reissue is requested. Applicant needs to incorporate the certificate of correction into the specification. See MPEP 1411.01.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 7-9, 22-24, 31-32, 35, 38, 40-41, 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (5178924).

Johnson relates to an adhesive tape assembly comprising a double-side adhesive tape with one side of pressure sensitive adhesive (PSA) and the opposite side having heat-activated adhesive (HAA). The tape is in a roll form with the PSA in contact with the release liner or the support sheet front side and the back side of the release liner is in contact with the HAA (col. 5, lines 1-12). The backside of the release liner is provided with a layer containing ethylene acrylic acid (EAA) to provide for roll stability (col. 5,

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lines 15-24). Johnson fails to teach that the backside stability layer is ethylene vinyl acetate (EVA). However, Johnson discloses, in col. 4, lines 54-65, that the release material can be EAA or EVA. Therefore, it would have been obvious to one having ordinary skill in the art to use EVA as the release material, instead of EAA, because the two are functionally equivalent as the friction reducing release material and would provide for roll stability.

In col. 4, lines 54-65, Johnson teaches that the release liner material can be low, medium or linear low density polyethylene. The low to medium density would include density of upto about 0.92 g/cc. The liner can be of multi-layered construction (col. 7, lines 18-26).

4. Claims 6, 10, 16, 20-21, 29, 33-34 and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Johnson (5167995).

Johnson, as discussed above, fails to teach that the HAA is polyolefin material such as polyethylene. Johnson'995 discloses a double-sided adhesive assembly having PSA on one side and HAA on the opposite side of the tape assembly (col. 4, lines 40-47). Col. 6, line 15 recites that the adhesive can be acrylic foam based PSA. Antiblocking material is contained in the release material (col. 11, lines 15-23). Therefore, it would have been obvious to one having ordinary skill in the art to utilize Johnson'995's teaching of using antiblocking agent in the release liner in the invention of Johnson with

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the motivation to provide for releasability of the release liner from the HAA while maintaining roll stability

With regard to the tape outer circumferential diameter being at least 20 times the width, it would have been obvious to one having ordinary skill in the art to modify Johnson by providing the roll diameter to be at least 20 times the width of the tape, based on optimization through routine experimentation, with the roll stability layer therewith.

5. Claims 4-5 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Reinders (6037028).

Johnson, as discussed above, fails to teach that the HAA is polyolefin material.

Reinders discloses that polyethylene material such as layers 29 and 30 serve as heat activated adhesive layer (col. 5, lines 36-37) to provide for a strong bond. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Reinders' teaching of using polyethylene material as HAA in the invention of Johnson with the motivation to provide for strong bond when activated.

***Allowable Subject Matter***

6. Claims 3, 11-14, 16-19, 25-28, 30, 36-37, 39, 42, 51-54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

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independent form including all of the limitations of the base claim and any intervening claims.

The prior art uncovered so far fails to teach that the contact surface has an average surface roughness of upto about 26 microinches (claims 3, 42); that the vinyl acetate content of EVA is less than 28% (claims 11-14, 25-28, 36-37, 39, 51-53); roll stability layer having a coefficient of friction of greater than 0.4 (claims 17-19); and that the antiblocking content is upto 5% by weight (claims 16,30, 54).


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Nasser Ahmad  
Primary Examiner  
Art Unit 1772

N. Ahmad.  
June 20, 2005.